

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

JOTHAN BARROW,	*
	*
Plaintiff,	*
	*
vs.	*
	CASE NO. 3:03-CV-93 (CDL)
	*
JO ANNE B. BARNHART,	*
COMMISSIONER OF	*
SOCIAL SECURITY,	*
	*
Defendant.	*
	SOCIAL SECURITY APPEAL

RECOMMENDATION

Presently pending before the Court is Plaintiff's Attorney's Motion for Attorney's Fees pursuant to the Equal Justice Act ("EAJA"), 28 U.S.C. § 2412(d). As allowed by the EAJA, Petitioner has filed a motion for attorney fees and costs. Petitioner seeks an award of attorney's fees in the amount of \$3,527.25, based upon an hourly rate of \$25.00 for 27.45 attorney work hours, and \$60.00 for 1.6 paralegal work hours. Defendant objects to the payment of any fee and argues that his position was substantially justified. Defendant also objects to the number of attorney work hours as excessive.

After review, this court has determined that the Commissioner's position was not substantially justified and that Petitioner's submitted attorney work hours are not excessive for the complexity of this case. Accordingly, Plaintiff's counsel has met his burden and it is Recommended that his Motion for Attorney fees under the EAJA be **GRANTED** as follows: \$3,527.25, based upon an hourly rate of \$25.00 for 27.45 attorney work hours, and \$60.00

for 1.6 paralegal work hours.

WHEREFORE, IT IS HEREBY **RECOMMENDED** that Petitioner's Motion for Attorney's fees pursuant to 28 U.S.C. § 2412 (d) be **GRANTED**, and that payment be forwarded to said Attorney in the amount of \$3,527.25.

Pursuant to 28 U.S.C. § 636(b)(1), the parties may serve and file written objections to the Recommendation with the United States District Judge within ten (10) days after being served a copy.

SO RECOMMENDED, this 1st day of April, 2008.

S/ G. MALLON FAIRCLOTH
UNITED STATES MAGISTRATE JUDGE

mZc